

# DNR Public Waters Permitting

Coordination with WCA and Section  
404

BWSR Academy October 2011





257 POST CARD

CORRESPONDENCE

ADDRESS



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# PROTECTED WATERS AND WETLANDS

## ISANTI COUNTY MINNESOTA

SHEET 1 of 1



### LEGEND

#### Protected Waters:

- Bays are identified with a number and the letter "B".
- Watercourses are identified with a heavy, dark line.
- Public ditches are identified with a dashed line.

#### Protected Wetlands:

- Identified with a number and the letter "W".

This map is intended for use with a separate descriptive list. The boundaries of the protected water bodies shown on this map are plotted as accurately as possible, consistent with the map scale, but are still approximate. A protected water body boundary coincides with the primary high water mark of the water body as defined in Minnesota Statutes, Section 105.37 and is determined through DNR field inspection or survey.

Protected waters and wetlands are subject to Minnesota Statutes, Section 105.42, which requires that a permit be obtained before making any alteration in the course, current or cross section of these waters. Contact the DNR office in your area for further information.

#### Traverse

The designation and mapping of protected waters or wetlands does not entitle anyone to cross private land in order to gain access to the water. Please respect the property of others.

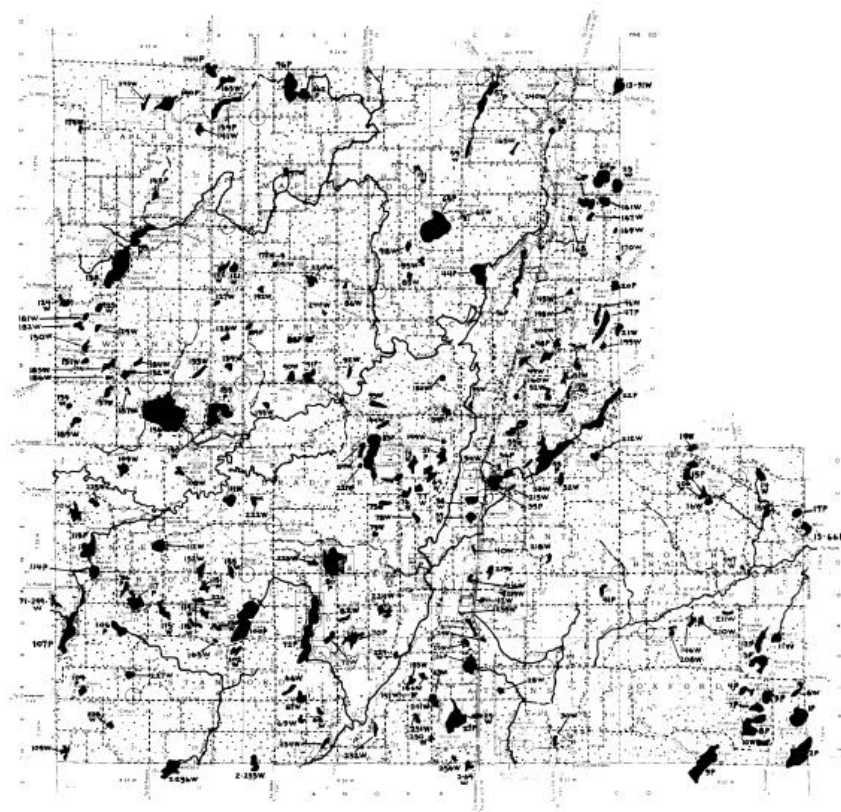
#### Water Bank

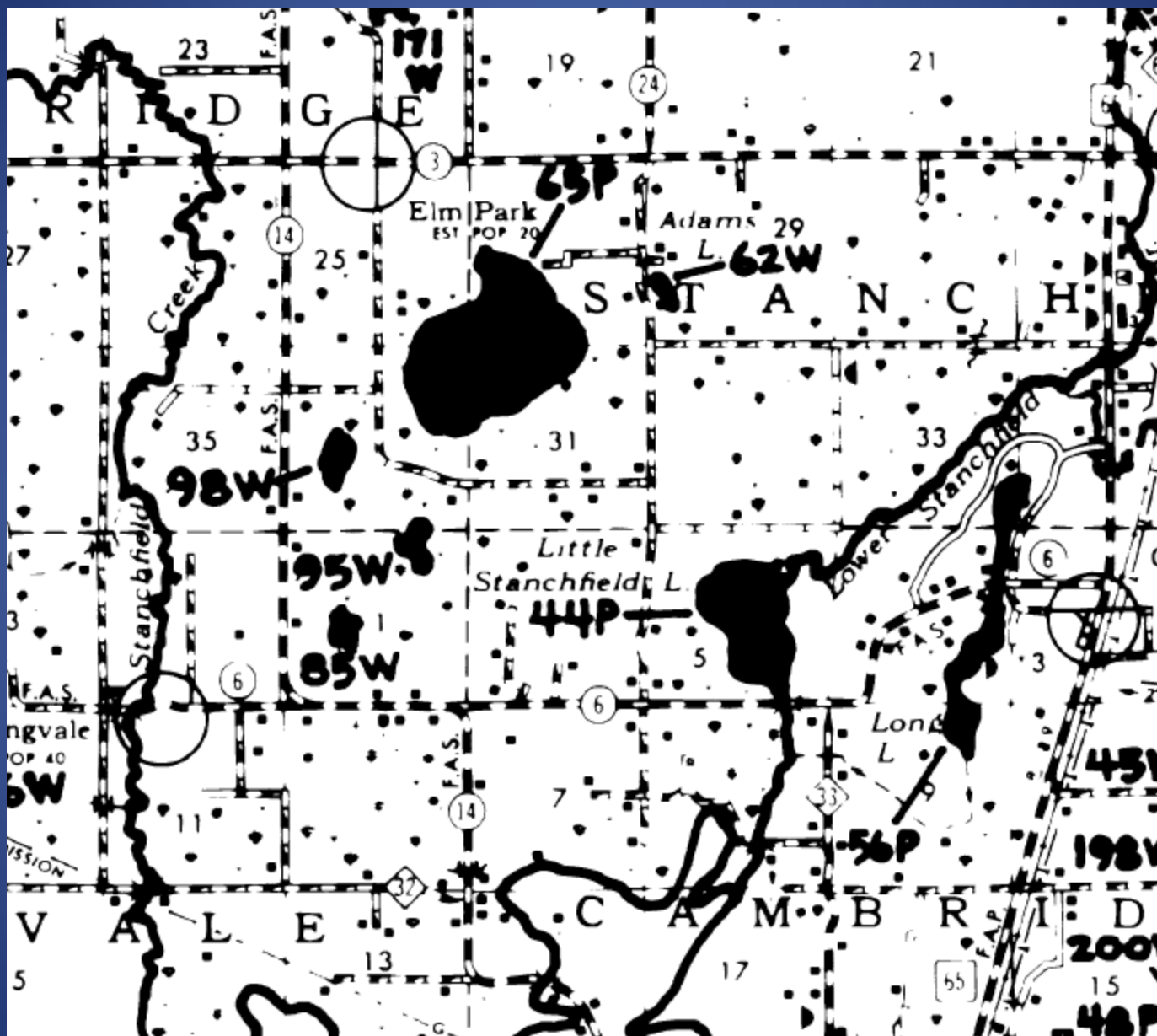
Wetland owners may be eligible for compensation for preservation of protected wetlands. Contact the DNR office in your area for further information.

SCALE: 1/2" = 1 MILE



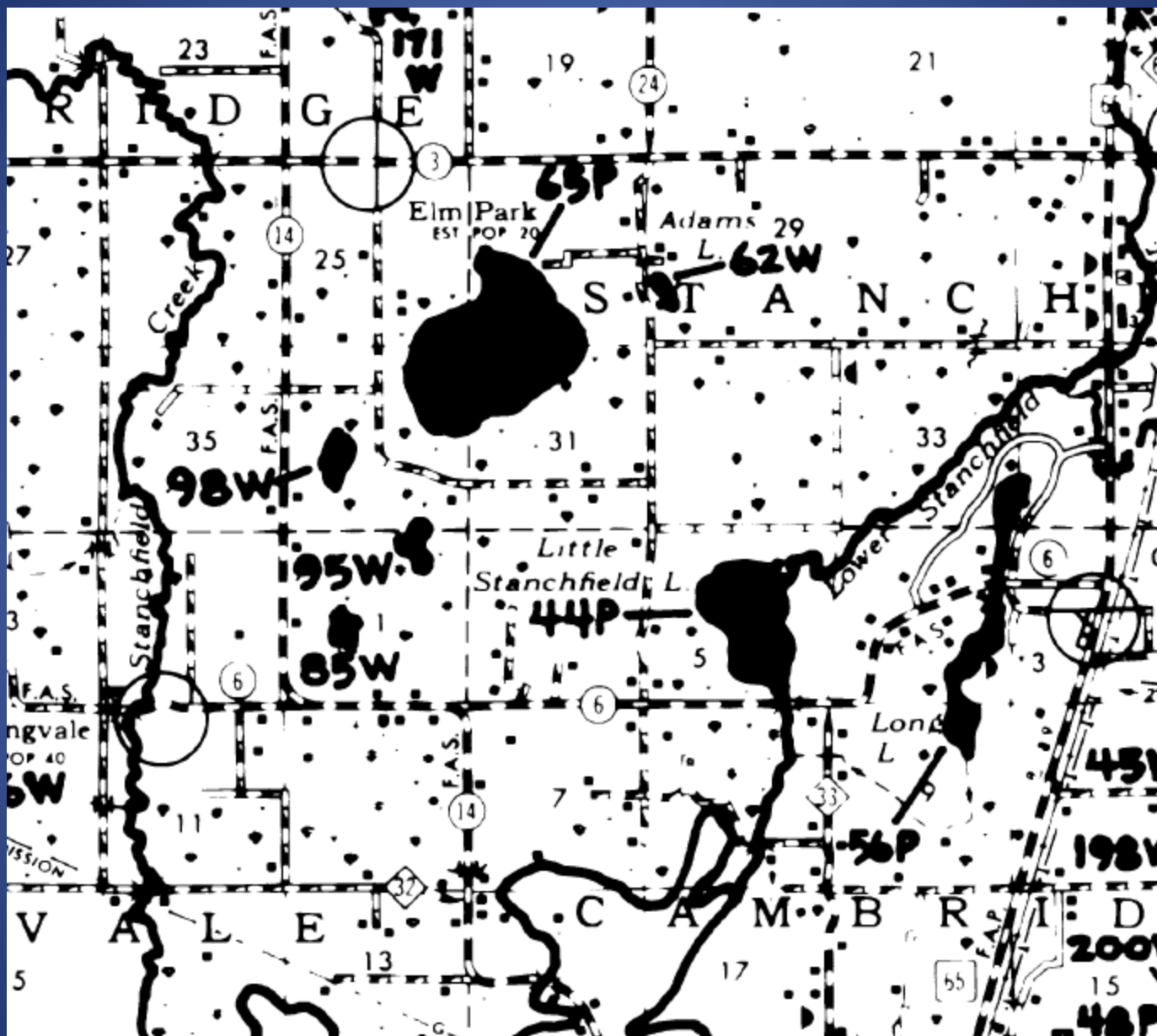
Division of Waters 1983

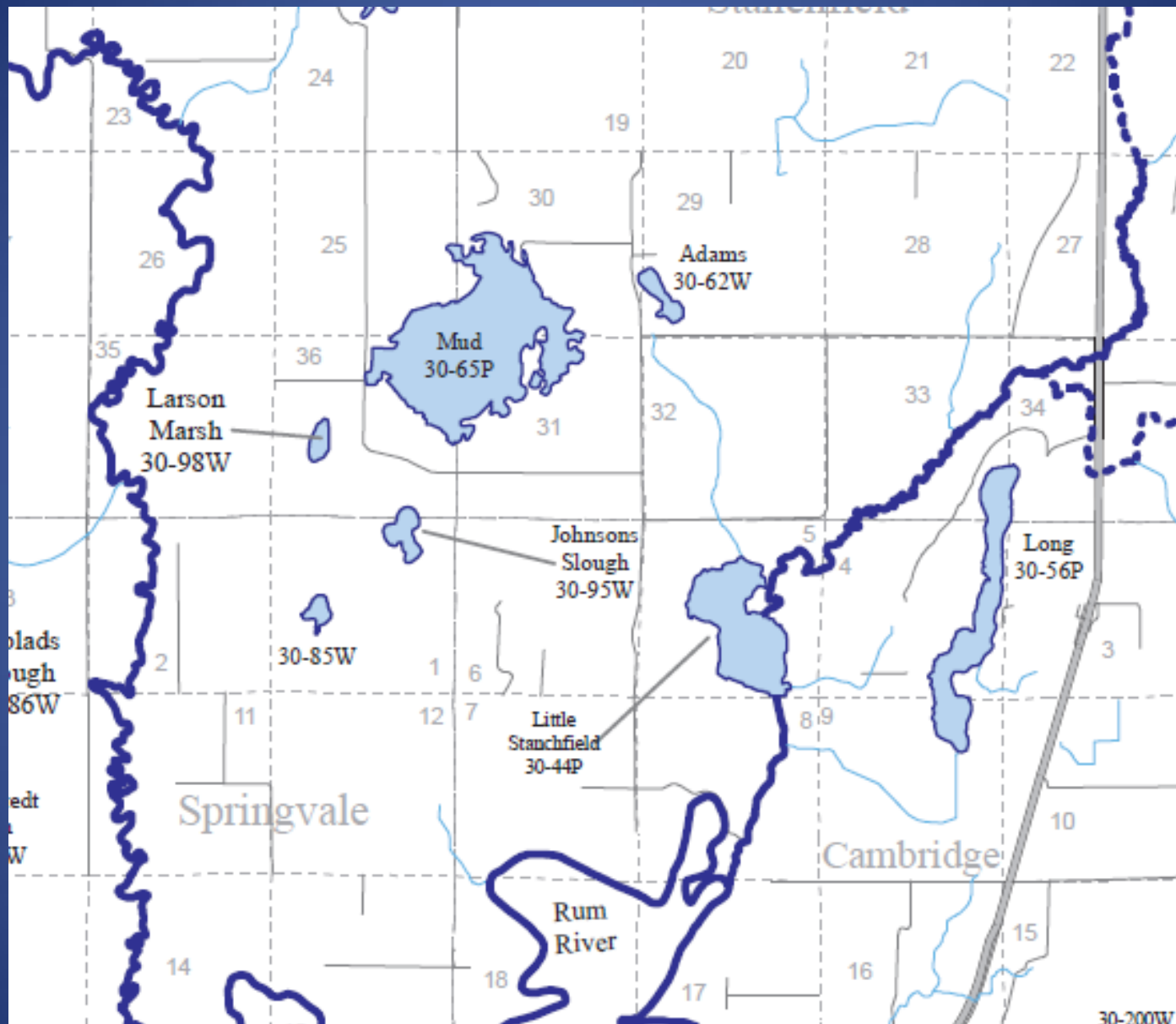






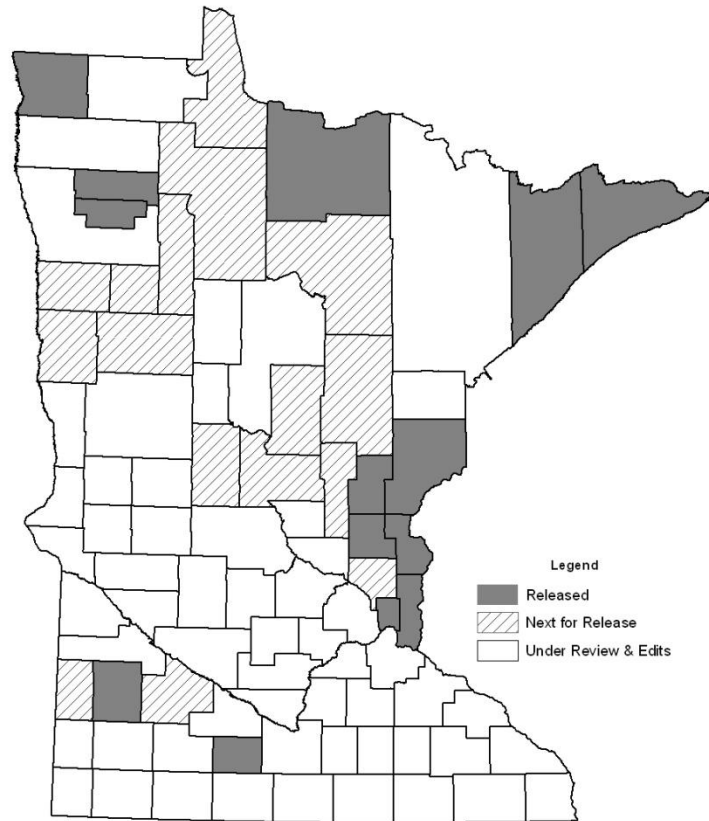
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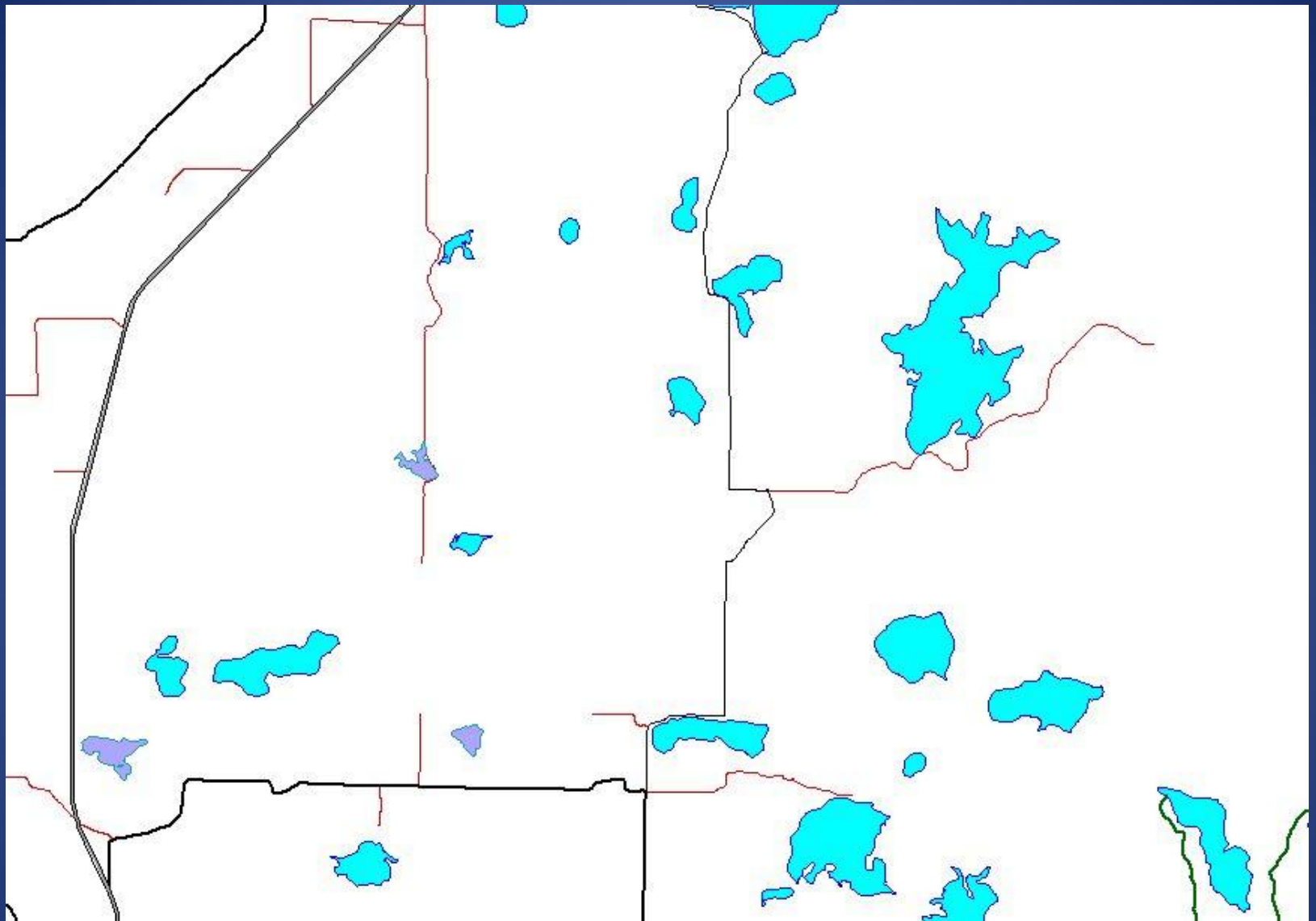


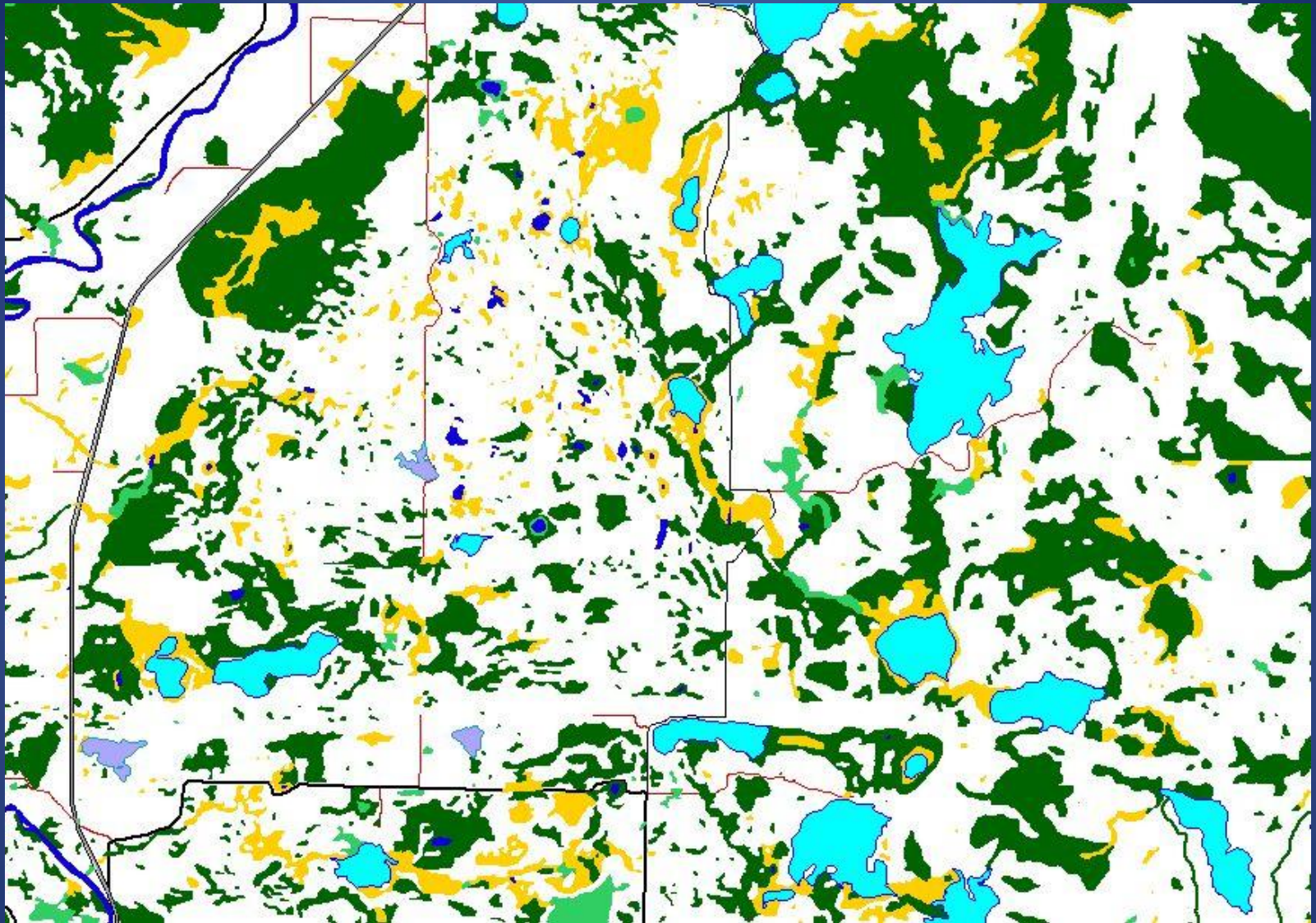
## Production Status of Public Water Maps

October 2011











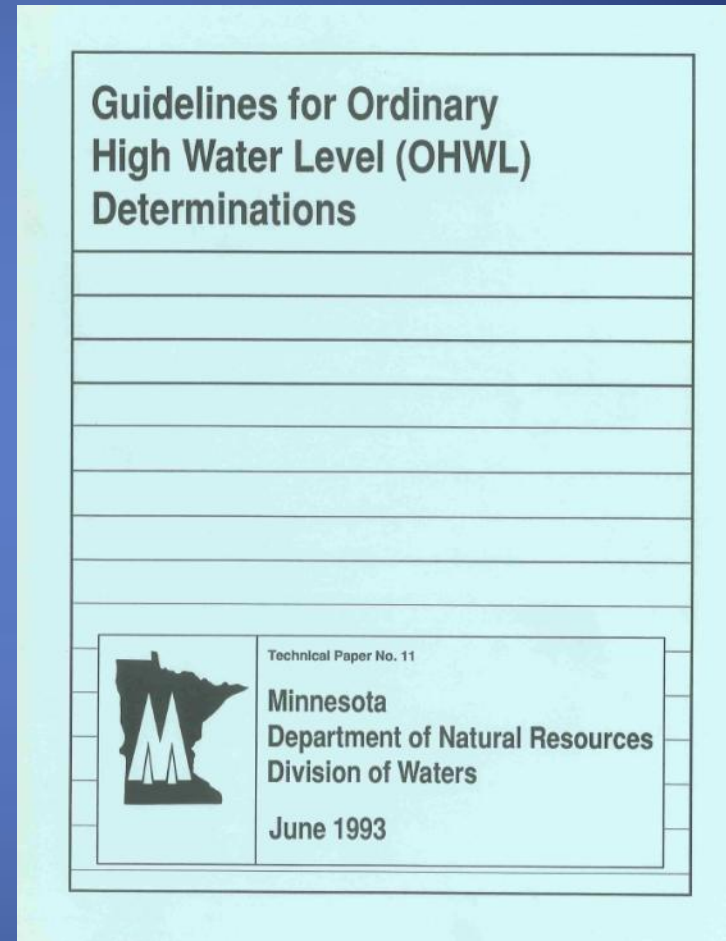
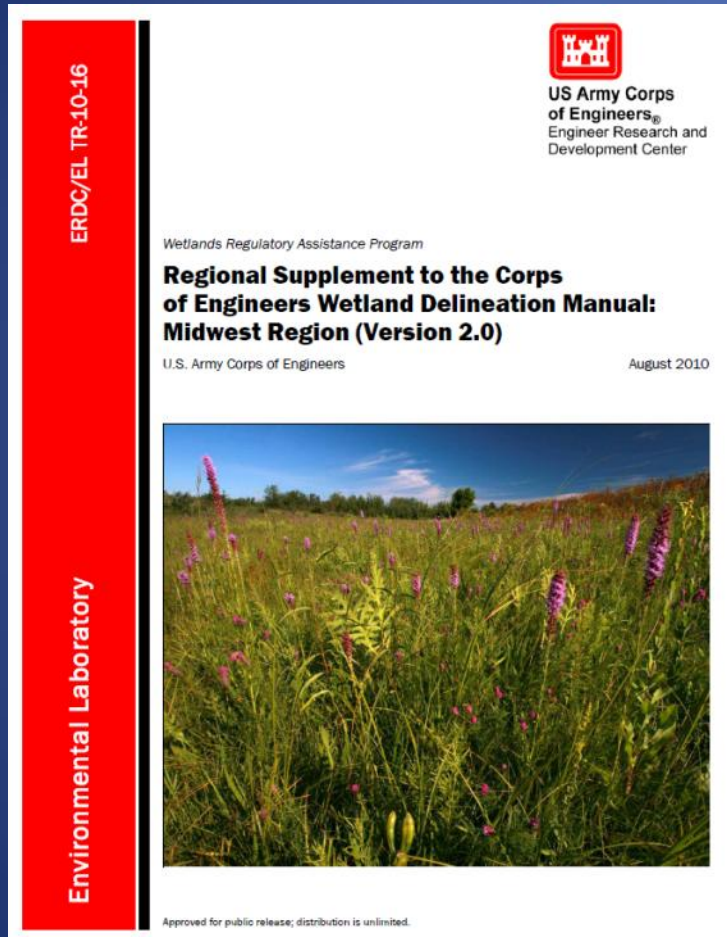


# Section 404 Jurisdiction

Significant  
Nexus!



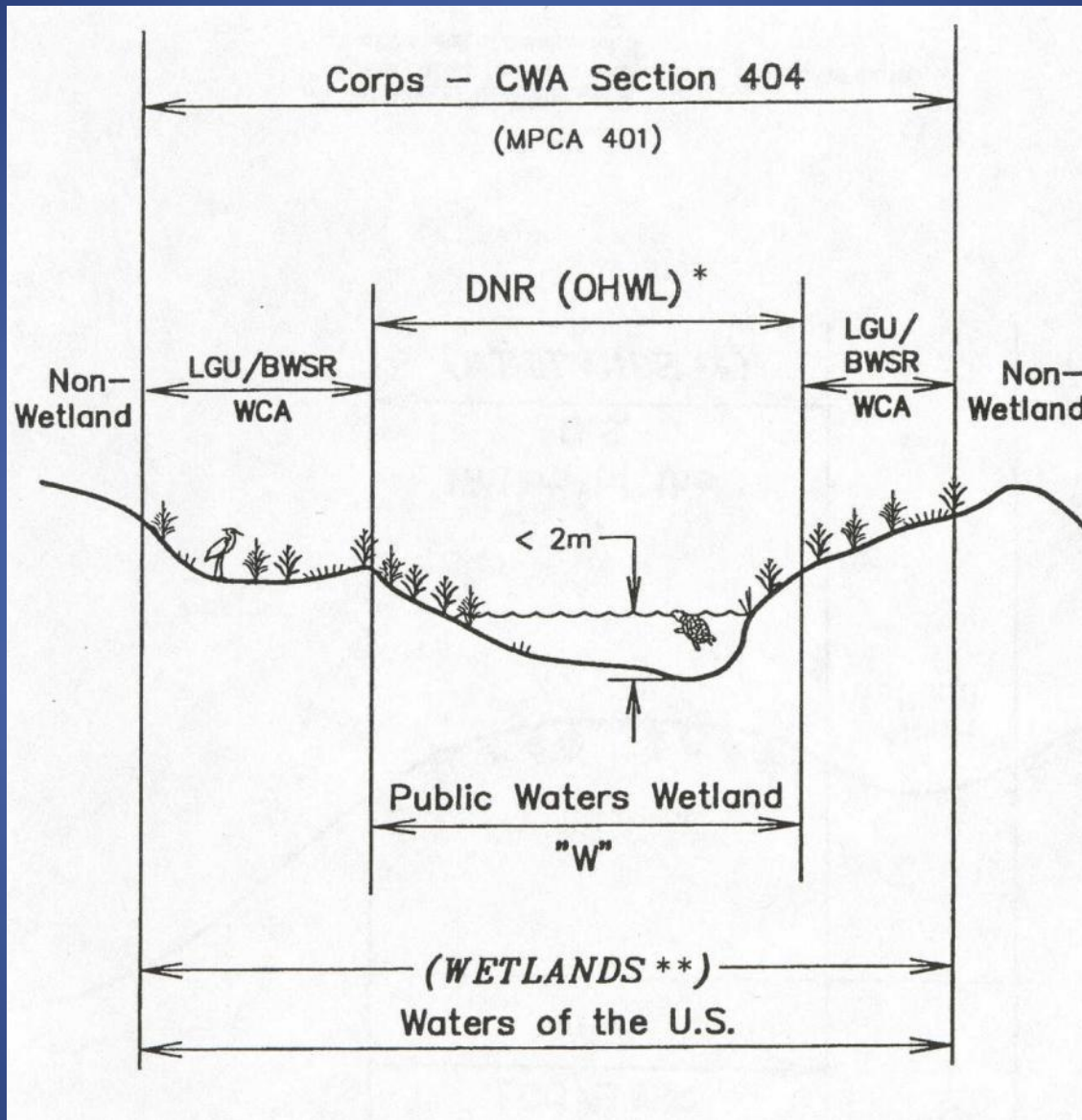
# Delineation













# Regulated Activities





Well, yeah  
the lot is a  
little low, but  
it's not a  
wetland.





# Waivers





# Waivers





# Waivers:

## WCA (LGU) → PWPP (DNR)

- Written agreement
  - Project-specific or by LGU, watershed or waterbody

Hear ye, hear ye . .

Now, therefore, whereas  
e pluribus unum, etc., etc.

\_\_\_\_\_  
DNR

\_\_\_\_\_  
LGU





# Waivers:

## PWPP (DNR) → WCA (LGU)

- Public waters wetlands
- Wetland areas of public water(basins)
  - public transportation projects only
- Categorical waiver
  - 4R public roads projects, <10,000 sq. ft. PWW
- Discretionary waiver





# Waivers: PWPP → WCA

- Notice required



## Notice of Waiver of DNR Permitting Authority (for activities other than public transportation)

**Project applicant/sponsor:**

**Project name and description:**

**Project location:**

**Public Water Wetland Affected:**

**Date application received:**

Under Minnesota Rules Chapter 6115.0250, the Minnesota Department of Natural Resources is authorized to waive its permitting authority for certain activities in public waters wetlands to local government units administering the Minnesota Wetland Conservation Act. This notice is to inform you that the DNR is waiving its permitting authority for this project as follows:

**Authority waived to:** *[name of LGU]*

Future regulatory action regarding the public waters wetland affected by this project will be handled by the above-named local government unit under authority of the Minnesota Wetlands Conservation Act as implemented through Minnesota Rules Chapter 8420.

\_\_\_\_\_  
[Name]  
Area Hydrologist  
Minnesota Department of Natural Resources

\_\_\_\_\_  
Date

**Distribution:**

- Project applicant/sponsor
- Board of Water and Soil Resources local wetland specialist
- County soil and water conservation district (Technical Evaluation Panel representative)
- Local Government Unit administering WCA





# Waivers









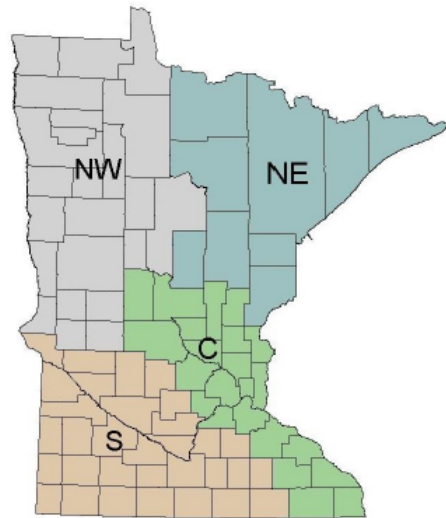


# Technical Evaluation Panels



**DNR Technical Evaluation Panel Representatives/Contacts:**

DNR Administrative Regions:



Unless otherwise noted, the contact for each county is also the contact for all LGUs within the county. Where "initial contact" is indicated, TEP participation will generally be assigned to other DNR staff members.

<b>Northwest Region</b>					
All Counties		Initial contact: Nathan Kestner, Reg. Env. Assessment Ecologist	218-308-2672	2115 Birchmont Beach Rd NE Bemidji, MN 56601	Nathan.Kestner@state.mn.us
<b>Northeast Region</b>					
Aitkin		Kevin Woizeschke, Wildlife Tech (Eco)	218-833-8729	1601 Minnesota Dr. Brainerd, MN 56401-0030	Kevin.Woizeschke@state.mn.us
Carlton	County	Rian Reed, Reg. Env. Assessment Ecologist	218-999-7826	1201 E. Hwy 2 Grand Rapids, MN 55744	Rian.Reed@state.mn.us
	City of Cloquet	Rich Staffon, Area Wildlife Mgr	218-879-0880 x 223	1604 S Hwy 33 Cloquet, Mn 55720	Rich.Staffon@state.mn.us
Cook		Steve Persons, Area Fisheries Supv.	218-387-3056	1356 Hwy 61 Grand Marais, MN 55604	Steve.Persons@state.mn.us
Crow Wing		Gretchen Heaser, Area Resource Specialist	320-384-6050	30065 St Croix Park Rd. Hinckley, MN 55037	Gretchen.Heaser@state.mn.us
Itasca		Rian Reed, Reg. Env. Assessment Ecologist	218-999-7826	1201 E. Hwy 2 Grand Rapids, MN 55744	Rian.Reed@state.mn.us
Koochiching		Erika Herr, Area Hydrologist	218-327-4106	1201 East Hwy 2 Grand Rapids, MN 55744	Erika.Herr@state.mn.us





# Road Project Impacts





## Notice of Waiver of DNR Permitting Authority for Public Transportation Projects

### Type of waiver:

- ☐ Categorical waiver – for public transportation projects involving the repair, rehabilitation, reconstruction, or replacement of currently serviceable existing public roads affecting 10,000 sq. ft. or less of *public waters wetlands*
- ☐ Discretionary waiver

Under Minnesota Rules Chapter 6115.0250, the Minnesota Department of Natural Resources is authorized to waive its permitting authority for certain activities in public waters to local government units and public transportation authorities administering the Minnesota Wetland Conservation Act. This notice is to inform you that the DNR is waiving its permitting authority for this project as follows:

### Type of waiver:

- ☐ Categorical waiver – for public transportation projects involving the repair, rehabilitation, reconstruction, or replacement of currently serviceable existing public roads affecting 10,000 sq. ft. or less of *public waters wetlands*

### Wetland replacement provided through:

- ☐ BWSR Public Road Wetland Banking Program
- ☐ Project-specific replacement or use of wetland bank credits identified in a wetland replacement plan

Future regulatory action regarding the public waters affected by this project will be initiated by the above-named agency under authority of the Minnesota Wetlands Conservation Act as implemented through Minnesota Rules Chapter 8420.

\_\_\_\_\_  
[Name]  
Area Hydrologist  
Minnesota Department of Natural Resources

\_\_\_\_\_  
Date







# Public Waters as Replacement for WCA Impacts

- In general: Not allowed
  - Public Waters are not “wetlands” under WCA
  - May not be functionally equivalent (lakes, streams)
- Exception: ENRV





# WCA Credits as Replacement for Public Water Impacts

## APPLICATION FOR WITHDRAWAL OF WETLAND CREDITS FROM THE MINNESOTA WETLAND BANK

Return Original to BWSR – Transaction will not be processed without original signatures

### 7. REGULATORY AUTHORITY APPROVAL(S)

The following authorized representatives of the regulatory authority (ies) identified on page 1 of this application hereby certify that they have: a) verified that the subject wetland credits are deposited in the account of the owner / seller, b) approved a wetland replacement plan or other water resource impact under their jurisdiction, and c) approved the proposed use of the wetland bank credits described herein.

\_\_\_\_\_  
Print Name of WCA LGU Official

\_\_\_\_\_  
Signature of Authorized WCA LGU Official

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name of Other Regulatory Official

\_\_\_\_\_  
Signature of Authorized Official

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name of Other Regulatory Official

\_\_\_\_\_  
Signature of Authorized Official

\_\_\_\_\_  
Date

Account No. \_\_\_\_\_ Watershed No. \_\_\_\_\_

County: \_\_\_\_\_

Name Of Seller: \_\_\_\_\_

\_\_\_\_\_  
(Name and Title of Authorized Representative)

\_\_\_\_\_  
(Signature of Seller/Authorized Representative)

#### Use of Wetland Bank Credits

WCA Replacement Plan approved by (check all that apply):

☐ Local LGU (Print LGU Name) \_\_\_\_\_  
LGU Permit # \_\_\_\_\_

☐ U.S. Army Corps of Engineers: Permit # \_\_\_\_\_

☒ MN Dept. of Natural Resources: Permit # \_\_\_\_\_

☐ Natural Resources Conservation Service: Permit # \_\_\_\_\_

☐ Other authority involved\*: \_\_\_\_\_

\*Attach relevant information explaining the details and  
relationship of the other regulatory authority.





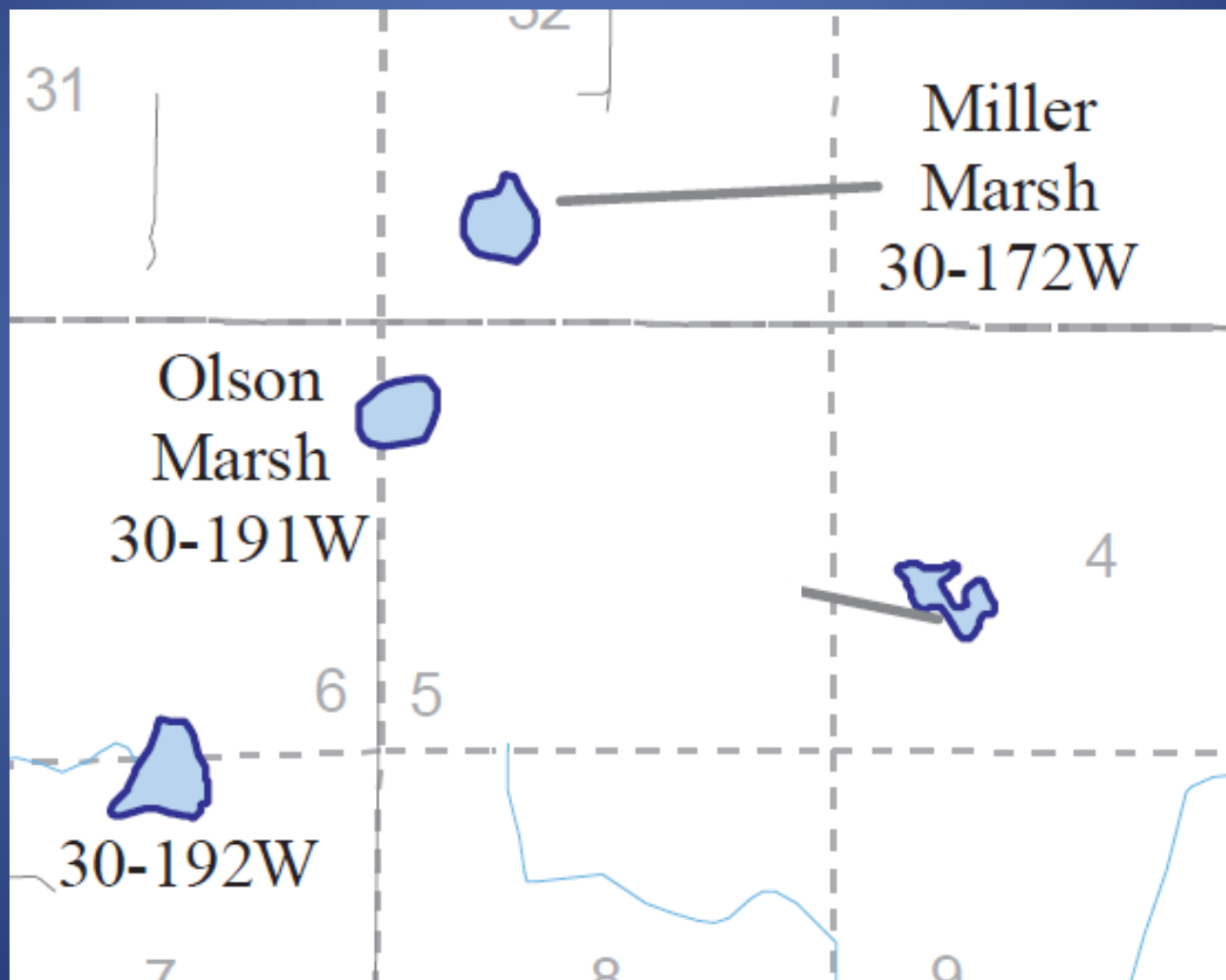
# WCA Credits as Replacement for Public Water Impacts

## Permit conditions:

1. This permit is authorized under the condition that the permittee will replace the impacts to Mud Lake (00-000W) by obtaining wetland credits from an approved account in the state wetland bank administered by the Board of Water and Soil Resources (BWSR), in accordance with Minn. Rules Part 8420.0745. No sale, withdrawal, transfer or use of wetland credits is valid until BWSR debits a wetland bank account. **The permittee shall not begin work within Mud Lake until receipt of a copy of the “Application for Withdrawal of Credits from the Minnesota Wetland Bank” that has been signed by BWSR (box 9) acknowledging that the credits have been debited.** The permittee shall provide the DNR Area Hydrologist a copy of the form signed by BWSR within 30 days of the transaction.



# PWW Reclassification







# Calcareous Fens

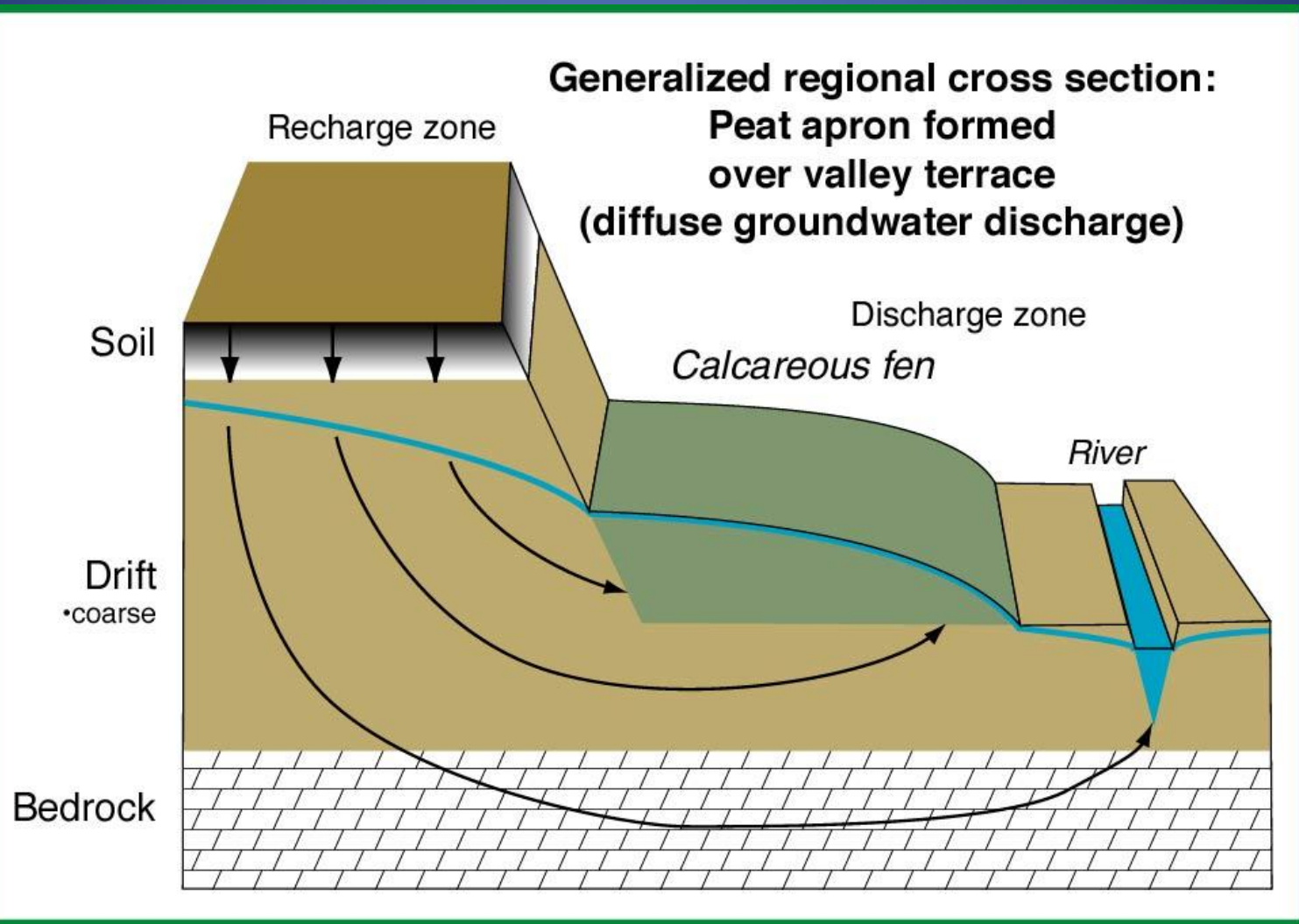


Illustration by James Almendinger, Science Museum of Minnesota



# Calcareous Fens





## Department of Natural Resources

### Identification of Known Calcareous Fens

Pursuant to the provisions of *Minnesota Statutes*, section 103G.223, the following described lands contain calcareous fens as defined in *Minnesota Rules*, part 8420.0935, subpart 2. These calcareous fens have been identified by the commissioner by written order published in the State Register on June 2, 2008 (32 SR 2148-2154), August 31, 2009 (34 SR 278) and December 7, 2009 (34 SR 823-824).

Additional sites may be added to this list as new calcareous fens are discovered and existing sites may be removed from the list if it is determined that the wetland no longer meets the definition of a calcareous fen. Future revisions to the list will be published in the *State Register*. The current list will also be posted on the DNR's web site at:

[http://files.dnr.state.mn.us/publications/waters/calcareous\\_fen\\_list\\_nov\\_2009\\_rev1.pdf](http://files.dnr.state.mn.us/publications/waters/calcareous_fen_list_nov_2009_rev1.pdf)

County Calcareous Fen Site Name	Fen ID No.	Located in:		
		Township	Range	Section(s)
Becker				
Spring Creek WMA South	251	T142N	R42W	SWNE12, NWSE13, NENE13
White Earth 5	34594	T142N	R41W	NW05
White Earth 6	34595	T142N	R41W	NW06
Waubun WMA South	19190	T142N	R42W	NENE01
Anderson WPA	28540	T139N	R42W	NWNE01
Pederson WPA	34161	T142N	R41W	SWNW29
Hamden 36	34839	T140N	R42W	NWNW36
Big Stone				
Stony Run	19784	T121N	R45W	ESENE19
Carver				
Seminary Fen	20977	T116N	R23W	SWNESE34, SW35 NESWSW35
Chippewa				
Chippewa River Fen	18688	T118N	R41W	SWSE23
Kragero 26	26001	T119N	R42W	NESW26
Watson Sag East - a	18689	T119N	R42W	SE36
Tunsberg 10	25999	T118N	R41W	SWNW10
Montevideo Fen	26005	T117N	R41W	NESW01
Rosewood 31	25195	T118N	R40W	NESE31
Watson Sag SW	18687	T118N	R41W	SESW16
Watson Sag East - b	18692	T118N	R41W	NWNW06
Zion Church Prairies	18686	T118N	R41W	NSW06
		T118N	R42W	SESWNE01, NENESE01







# PWPP and Section 404



US Army Corps of Engineers  
St. Paul District

BUILDING STRONG®

- GP-001-MN
  - Programmatic permit
  - Exclusions:
    - Impacts > 3 acres
    - > 500 linear feet of streams
    - Construction/removal of dams exceeding specified size
  - Not valid when DNR permit waived to LGU





# WETLAND CONSERVATION ACT

## Coordination with the Public Waters Permit Program



BWSR/DNR Technical Guidance, [month] 2011

### Overview

**Rule Reference:** MN Rules Chapters 8420 and 6115

**Applicability:** This document identifies and provides guidance on the interrelationships between the Wetland Conservation Act (WCA) and the Public Waters Permit Program (PWPP). It does not carry the weight of rule and is not binding on any party; it should be used as a supplement to the applicable program rules.

**Intended Use:** To improve coordination between WCA and PWPP by providing explanation of the applicable program components to DNR and BWSR staff, Technical Evaluation Panels (TEPs), Local Government Units (LGUs), landowners and applicants.

<b>Contents:</b>	<b>I. Background</b>
	<b>II. Waivers of Permitting Authority</b>
	<b>III. WCA Provisions Required for Public Waters</b>
	<b>IV. Transportation Projects: Replacement for Wetlands</b>
	<b>V. Technical Evaluation Panel Membership</b>
	<b>VI. Public Waters Wetland Reclamation</b>
	<b>VII. WCA Replacement Credits for Public Waters</b>
	<b>VIII. Decision Deficiency</b>
	<b>IX. Additional Resources</b>

### I. Background

Wetlands in Minnesota are regulated by several programs. The primary state wetland regulatory programs are the Wetlands Conservation Act (WCA), the Public Waters Permit Program (PWPP), and state water quality regulations. Many wetlands in the state are also regulated by the U.S. Army Corps of Engineers under the Federal Clean Water Act Section 404 Program.



The focus of this guidance is on WCA and PWPP. Important characteristics of these two programs are highlighted in the table on the following page. Despite their differences, WCA and PWPP regulate similar resources and it's not uncommon for a single project to require authorization under both programs. Recognizing this, both WCA and PWPP contain provisions to enhance efficiency and promote regulatory consistency. These provisions are identified below, with guidance on their application











## Minnesota Department of Natural Resources

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Home &gt; Licenses, permits, regs &gt; Permits &gt; Water permits &gt;

### Water permits

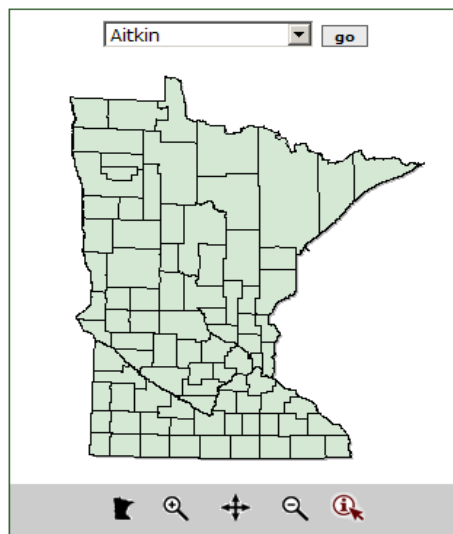
[Main page](#)[Do I need a permit?](#)[Water-related permit contacts](#)[Water appropriations permits](#)[Public waters work permits](#)[Dam safety permits](#) [PDF](#)[Aquatic plant management permits](#)[Fisheries permits](#)[Waters permit forms](#)[Water Statutes and Rules](#)

### Licenses, permits, regulations

[Main page](#)[Licenses](#)[DNR license agents](#)[Regulations](#)[Permits](#)[Fishing seasons](#)[Hunting seasons](#)[Recreation Compass](#)[Turn in Poachers \(TIP\)](#)[Critical habitat plates](#)[Permits & licenses for persons with special](#)

## Water-related Permit Contacts

Projects that impact Minnesota's water resources are regulated by a variety of state, local, and federal agencies. In many cases, a permit is required from one or more of these agencies before proceeding with the project. Identifying the proper permit authority can be challenging and confusing. This page attempts to offer a comprehensive county-by-county inventory of water-related permit contacts.



### To view water-related permit contact information:

- Select a county from the drop down list to the left and click on "go".. **OR** ..
- Use the map tool to the left and pick a county. You may zoom in for more detail and to see county names.

Doug Norris  
Wetlands Program Coordinator  
Minnesota DNR  
Division of Ecological & Water Resources  
500 Lafayette Road, Box 25  
651-259-5125  
doug.norris@state.mn.us

